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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 MATTHEW WRIGHT,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON, *et al.*,

12 Defendants.

Case No. C18-927-RAJ-MAT

ORDER REGARDING INITIAL  
DISCLOSURES, JOINT STATUS  
REPORT, AND EARLY SETTLEMENT

13 **I. INITIAL SCHEDULING DATES**

14 The Court sets the following dates for initial disclosure and submission of the Joint Status  
15 Report and Discovery Plan:

16 Deadline for FRCP 26(f) Conference: 11/02/2018

17 Initial Disclosures Pursuant to FRCP 26(a)(1): 11/09/2018

18 Combined Joint Status Report and Discovery  
19 Plan as Required by FRCP 26(f)  
and Local Civil Rule 26(f): 11/16/2018

20 The deadlines above may be extended only by the Court. Any request for an extension  
21 should be made by e-mail to Kadya Peter, Courtroom Deputy, at  
22 kadya\_peter@wawd.uscourts.gov. If defendants have appeared, the parties are directed to meet  
23 and to confer before contacting the Court to request an extension.

ORDER REGARDING INITIAL DISCLOSURES,  
JOINT STATUS REPORT, AND EARLY  
SETTLEMENT - 1

1 If this case involves claims which are exempt from the requirements of FRCP 26(a) and  
2 26(f), please notify Kadya Peter, Courtroom Deputy, at [kadya\\_peter@wawd.uscourts.gov](mailto:kadya_peter@wawd.uscourts.gov).

## 3 II. JOINT STATUS REPORT & DISCOVERY PLAN

4 All counsel and any pro se parties are directed to confer and provide the Court with a  
5 combined Joint Status Report and Discovery Plan (the "Report") by November 16, 2018. This  
6 conference shall be by direct and personal communication, whether that be a face-to-face  
7 meeting or a telephonic conference. The Report will be used in setting a schedule for the prompt  
8 completion of the case. It must contain the following information by corresponding paragraph  
9 numbers:

- 10 1. A statement of the nature and complexity of the case.
- 11 2. A proposed deadline for the joining of additional parties.
- 12 3. The parties have the right to consent to assignment of this case to a full time United  
13 States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13, to conduct all  
14 proceedings. The Western District of Washington assigns a wide range of cases to Magistrate  
15 Judges. The Magistrate Judges of this district thus have significant experience in all types of civil  
16 matters filed in our court. Additional information about our district's Magistrate Judges can be  
17 found at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov). The parties should indicate whether they agree that the  
18 Honorable Mary Alice Theiler may conduct all proceedings, including trial and the entry of  
19 judgment. When responding to this question, the parties should only respond "yes" or "no."  
20 Individual party responses should not be provided. A "yes" response should be indicated only if  
21 all parties consent. Otherwise, a "no" response should be provided.

1           4.     A discovery plan that states, by corresponding paragraph letters (A, B, etc.), the  
2 parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which includes the following  
3 topics:

- 4                   (A) initial disclosures;
- 5                   (B) subjects, timing, and potential phasing of discovery;
- 6                   (C) electronically stored information;
- 7                   (D) privilege issues;
- 8                   (E) proposed limitations on discovery; and
- 9                   (F) the need for any discovery related orders.

10           5.     The parties' views, proposals, and agreements, by corresponding paragraph letters  
11 (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes the following topics:

- 12                   (A) prompt case resolution;
- 13                   (B) alternative dispute resolution;
- 14                   (C) related cases;
- 15                   (D) discovery management;
- 16                   (E) anticipated discovery sought;
- 17                   (F) phasing motions;
- 18                   (G) preservation of discoverable information;
- 19                   (H) privilege issues;
- 20                   (I) Model Protocol for Discovery of ESI; and;
- 21                   (J) alternatives to Model Protocol.

22           6.     The date by which discovery can be completed.

23

1           7.       Whether the case should be bifurcated by trying the liability issues before the  
2 damages issues, or bifurcated in any other way.

3           8.       Whether the pretrial statements and pretrial order called for by Local Civil Rules  
4 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake of  
5 economy.

6           9.       Whether the parties intend to utilize the Individualized Trial Program set forth in  
7 Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

8           10.      Any other suggestions for shortening or simplifying the case.

9           11.      The date the case will be ready for trial. The Court expects that most civil cases  
10 will be ready for trial within a year after filing the Joint Status Report and Discovery Plan.

11          12.      Whether the trial will be jury or non-jury.

12          13.      The number of trial days required.

13          14.      The names, addresses, and telephone numbers of all trial counsel.

14          15.      The dates on which the trial counsel may have complications to be considered in  
15 setting a trial date.

16          16.      If, on the due date of the Report, all defendant(s) or respondents(s) have not been  
17 served, counsel for the plaintiff shall advise the Court when service will be effected, why it was  
18 not made earlier, and shall provide a proposed schedule for the required FRCP 26(f) conference  
19 and FRCP 26(a) initial disclosures.

20          17.      Whether any party wishes a scheduling conference before the Court enters a  
21 scheduling order in the case.

22          18.      List the date(s) that each and every non-governmental corporate party filed its  
23 disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.1.

1 If the parties are unable to agree on any part of the Report, they may answer in separate  
2 paragraphs. No separate reports are to be filed. If the parties wish to have a status conference with  
3 the Court at any time during the pendency of this action, they should notify Kadya Peter, by e-mail  
4 at [kadya\\_peter@wawd.uscourts.gov](mailto:kadya_peter@wawd.uscourts.gov).

### 5 **III. PLAINTIFF'S RESPONSIBILITY**

6 This Order is issued at the outset of the case, and a copy is sent by the clerk to counsel for  
7 plaintiff (or plaintiff, if pro se) and any defendants who have appeared. Plaintiff's counsel (or  
8 plaintiff, if pro se) is directed to serve copies of this Order on all parties who appear after this  
9 Order is filed. Such service shall be accomplished within ten (10) days after each appearance.  
10 Plaintiff's counsel (or plaintiff, if pro se) will be responsible for starting the communications  
11 needed to comply with this Order.

### 12 **IV. JUDGE-SPECIFIC PROCEDURAL INFORMATION**


13 All counsel and unrepresented parties should review Judge Theiler's web page for  
14 procedural information applicable to cases before Judge Theiler. The judges' web pages, in  
15 addition to the Local Rules, Electronic Filing Procedures for Civil and Criminal Cases, court  
16 forms, instruction sheets, and General Orders, can be found on the Court's website at  
17 [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov).

1                   **V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION**

2                   If settlement is achieved, counsel shall immediately notify Kadya Peter, Courtroom  
3 Deputy, at [kadya\\_peter@wawd.uscourts.gov](mailto:kadya_peter@wawd.uscourts.gov).

4                   The parties are responsible for complying with the terms of this Order. The Court may  
5 impose sanctions on any party who fails to comply fully with this Order.

6                   DATED this 2nd day of October, 2018.

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                    Mary Alice Theiler  
                    United States Magistrate Judge